

EXHIBIT A

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[\[New Case Number\]](#) [\[Sheriff Service History\]](#) [\[Notification History\]](#) [\[Docket Report\]](#)
[\[Account Information\]](#) [\[Home\]](#)

GD-11-002280

Bradley etal vs Advest Inc. etal

Filing Date: 02/04/2011

Case Type:

Other Tort

Filing Time:

Court Type:

General Docket

Related Cases:

--

Current Status:

Complaint

Judge:

No Judge

Jury Requested:

No

Amount In Dispute:

\$.00

*Click on PartyID hyperlink to see Alternative name for the party.

Parties							
-- Litigants --							
ID	LName	FName	MI	Type	Address	Initial Service Completion	Attorney
@1800932	Arena	Michelle	V.	Plaintiff	9 Rosemont Avenue Pittsburgh PA 15228	--	McCullough E. Timothy,
@1800931	Bradley	Thomas	M.	Plaintiff	250 Glen Abbey Court Presto PA 15142	--	McCullough E. Timothy,
@1800933	Folino	Anthony	---	Plaintiff	170 Millview Drive Pittsburgh PA 15238	--	McCullough E. Timothy,
@1800930	Folino	Frank	---	Plaintiff	170 Millview Drive Pittsburgh PA 15238	--	McCullough E. Timothy,
@1800928	Folino	Gary	---	Plaintiff	170 Millview Drive Pittsburgh PA 15238	--	McCullough E. Timothy,
@262966	McCullough	Holly	A	Plaintiff	100 Camberly & Newbury Drs Monroeville PA 15146	--	McCullough E. Timothy,
@1041373	McCullough	Richard	H	Plaintiff	100 Camberly Drive Monroeville PA 15146	--	McCullough E. Timothy, Patberg Rolf Louis,
ALLPLTF	Plaintiffs	All	---	Plaintiff	No Default Address Available	--	--
@1800929	Slater	Maria	---	Plaintiff	9 Rosemont Avenue	--	McCullough E. Timothy,

					Pittsburgh PA 15228		
@570185	Advest Inc.	---	---	Defendant	One Oxford Centre Pittsburgh PA 15219	4/7/2011 10:10	--
@1405744	Bank of America	---	---	Defendant	301 Grant Street Pittsburgh PA 15219	4/7/2011 10:10	--
@1800937	Feldman	Robert	L.	Defendant	No Default Address Available	4/7/2011 10:10	--
@906946	Merrill Lynch	---	---	Defendant	1001 Liberty Avenue 14th Floor Pittsburgh PA 15222	4/7/2011 10:10	--
-- Attorney --							
ID	LName	FName	MI	Type	Address	Phone	
65185	Patberg	Rolf	Louis	Plaintiff's Attorney	801 Vinial Street - 3rd Floor Pittsburgh PA 15212	(412) 2323500	
36238	McCullough	E.	Timothy	Attorney	7463 Conroy Windermere Rd. Suite A Orlando FL 32835	(724) 7337301	
-- Non Litigants --							
No Listing							

***Click on DocketType hyperlink to see Judgments for that Docket.**

Document numbers in the DOCUMENT column may not be consecutive.

Docket Entries				
Filing Date	Docket Type	Docket Text	Filing Party	Document
02/27/2017	Complaint		McCullough Richard H	Document 16
12/21/2015	Settled and Discontinued	as to claims of Michelle V.Arena.Costs paid as per praecipe filed.	Arena Michelle V.	Document 15
10/21/2015	Settled and Discontinued	As to Thomas M. Bradley claims in case ONLY. Costs paid as per praecipe filed.	Bradley Thomas M.	Document 14
10/02/2015	Praecipe for Appearance	by Rolf Louis Patberg Esq. also on behalf of Holly A. McCullough	McCullough Richard H	Document 13
12/23/2011			Plaintiffs All	Document 12

	Motion for Extension of Time	Motion for extension of time to reply to respondents' motion to sever improperly joined claims and for emergency stay.		
04/28/2011	Writ Expired	Writ issued on 3/28/2011 expired as to Bank of America		Sheriff Service History
04/28/2011	Writ Expired	Writ issued on 3/28/2011 expired as to Merrill Lynch		Sheriff Service History
04/28/2011	Writ Expired	Writ issued on 3/28/2011 expired as to Advest Inc.		Sheriff Service History
04/28/2011	Writ Expired	Writ issued on 3/28/2011 expired as to Robert L. Feldman		Sheriff Service History
04/27/2011	Notice of Service	of request for production of documents served by U.S.mail 4/27/11 to Advest Inc.,Bank of America,Merrill Lynch & Robert Feldman.	McCullough Richard H	Document 7
04/07/2011	Sheriff Return	Advest Inc. was served by Served - Adult Agent or person in charge of Defendant(s) office or usual place of business Service Upon KEVIN ADAMS /ADMIN ASSIST with Reissued Writ of Summons on 4/7/2011.	McCullough Richard H	Sheriff Return
04/07/2011	Sheriff Return	Bank of America was served by Served - Adult Agent or person in charge of Defendant(s) office or usual place of business Service Upon KEVIN ADAMS /ADMIN ASSISTS with Reissued Writ of Summons on 4/7/2011.	McCullough Richard H	Sheriff Return
04/07/2011	Sheriff Return	Merrill Lynch was served by Served - Adult Agent or person in charge of Defendant(s) office or usual place of business Service Upon KEVIN ADAMS /ADMIN ASSIST with Reissued Writ of Summons on 4/7/2011.	McCullough Richard H	Sheriff Return
04/07/2011	Sheriff Return	Robert L. Feldman was served by Served - Adult Agent or person in charge of Defendant (s) office or usual place of business Service Upon KEVIN ADAMS /ADMIN ASSIST with Reissued Writ of Summons on 4/7/2011.	McCullough Richard H	Sheriff Return
03/28/2011	Praeipe to Reissue Writ of Summons		McCullough Richard H	Document 2
02/04/2011	Praeipe for Writ of Summons		Bradley Thomas M.	Document 1

Services							Complete Service History
Desc	Name	Service Address	Person Served	Served By	Service Date	Service Time	Status
Praeipe to Reissue Summons	Advest Inc.	600 Grant Street Pittsburgh, PA	KEVIN ADAMS /ADMIN ASSIST	Al Conte	4/7/2011	10:10	Served - Adult Agent or person in charge of

		15219 Pittsburgh/2					Defendant(s) office or usual place of business
Praecipe to Reissue Summons	Bank of America	600 Grant Street Pittsburgh, PA 15219 Pittsburgh/2	KEVIN ADAMS /ADMIN ASSISTS	AI Conte	4/7/2011	10:10	Served - Adult Agent or person in charge of Defendant(s) office or usual place of business
Praecipe to Reissue Summons	Merrill Lynch	600 Grant Street Pittsburgh, PA 15219 Pittsburgh/2	KEVIN ADAMS /ADMIN ASSIST	AI Conte	4/7/2011	10:10	Served - Adult Agent or person in charge of Defendant(s) office or usual place of business
Praecipe to Reissue Summons	Robert L. Feldman	600 Grant Street Pittsburgh, PA 15219 Pittsburgh/2	KEVIN ADAMS /ADMIN ASSIST	AI Conte	4/7/2011	10:10	Served - Adult Agent or person in charge of Defendant(s) office or usual place of business

If you don't have Adobe Acrobat Reader to view documents, you can get it here.



**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COVER SHEET

<p>Plaintiff(s)</p> <p>THOMAS M. BRADLEY, MICHELLE V. ARENA, MARIA SLATER, GARY FOLINO, ANTHONY FOLINO, FRANK FOLINO, RICHARD H. MCCULLOUGH AND HOLLY A. MCCULLOUGH</p>	<p align="center">CIVIL DIVISION</p>
<p align="center">Vs</p> <p>Defendant(s)</p> <p>ADVEST, INC., MERRILL LYNCH, BANK OF AMERICA, ROBERT L. FELDMAN</p>	<p>Case Number :</p> <p><input type="text"/> - <input type="text"/> - <input type="text"/></p> <p>Type of pleading :</p> <p>PRAECIPE FOR WRIT OF SUMMONS</p> <p>Code and Classification : 009</p> <p>Filed on behalf of</p> <p>THOMAS M. BRADLEY, MICHELLE V. ARENA, MARIA SLATER, GARY FOLINO, ANTHONY FOLINO, FRANK FOLINO,</p> <p>(Name of the filing party)</p> <p><input checked="" type="checkbox"/> Counsel of Record <input type="checkbox"/> Individual, If Pro Se</p> <p>Name, Address and Telephone Number :</p> <p>E. TIMOTHY MCCULLOUGH 7463 CONROY WINDERMERE RD. STE. A ORLANDO, FL 32835</p> <p>Attorney's State ID : 32638</p> <p>Attorney's Firm ID : 32638</p>

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY,
MICHELLE V. ARENA,
MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH
AND HOLLY A. MCCULLOUGH,

CASE NO.

CLAIMANTS

V.

ADVEST, INC., MERRILL LYNCH,
BANK OF AMERICA, ROBERT L. FELDMAN

RESPONDENTS

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a writ of summons against the above-captioned defendant.

Respectfully,

/s/ E. TIMOTHY McCULLOUGH
E. TIMOTHY McCULLOUGH,
Pa. I.D. #36238
7463 CONROY WINDERMERE RD.
STE. A
ORLANDO, FL 32835
(407)601-6941

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

**THOMAS M. BRADLEY,
MICHELLE V. ARENA,
MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH
AND HOLLY A. MCCULLOUGH,**

CASE NO.

PRAECIPE FOR WRIT OF SUMMONS

PLAINTIFFS

V.

**ADVEST, INC., MERRILL LYNCH,
BANK OF AMERICA, ROBERT L. FELDMAN**

DEFENDANTS

To Defendants:

You are hereby notified that **THOMAS M. BRADLEY, MICHELLE V. ARENA, MARIA SLATER, GARY FOLINO, ANTHONY FOLINO, FRANK FOLINO, RICHARD H. MCCULLOUGH AND HOLLY A. MCCULLOUGH**, has commenced an action against you.

February 4, 2011

FILED ON BEHALF OF:

PLAINTIFFS,
E. TIMOTHY McCULLOUGH,
Pa. I.D. #36238
7463 CONROY WINDERMERE RD.
STE. A
ORLANDO, FL 32835
(407)601-6941

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COVER SHEET

Plaintiff(s) THOMAS M. BRADLEY, MICHELLE V. ARENA, MARIA SLATER, GARY FOLINO, ANTHONY FOLINO, FRANK FOLINO, RICHARD H. MCCULLOUGH AND HOLLY A. MCCULLOUGH,	CIVIL DIVISION	
	Case Number :	
	GD	- 11 - 002280
	Type of pleading :	
	REISSUE PRAECIPE FOR WRIT OF SUMMONS	
	Code and Classification : 009	
	Filed on behalf of	
	THOMAS M. BRADLEY, et al.	
Vs		
Defendant(s) ADVEST INC. BANK OF AMERICA FELDMAN, ROBERT L. MERRILL LYNCH	(Name of the filing party)	
	<input checked="" type="checkbox"/> Counsel of Record <input type="checkbox"/> Individual, If Pro Se	
	Name, Address and Telephone Number :	
	MCCULLOUGH & MITCHELL, P.A. 7463 CONROY WINDERMERE RD., STE. A ORLANDO, FL 32835	
	Attorney's State ID : 36238	
	Attorney's Firm ID : 36238	

GD-11-002280

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA, CIVIL DIVISION**

Case No.: GD-11-002280

Division:

**THOMAS M. BRADLEY,
MICHELLE V. ARENA,
MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH
AND HOLLY A. MCCULLOUGH,**

Plaintiff,

CASE NO.

**REISSUE PRAECIPE FOR
WRIT OF SUMMONS**

vs.

**ADVEST, INC., MERRILL LYNCH,
BANK OF AMERICA, ROBERT FELDMAN**

Defendants

_____ /

REISSUE PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a writ of summons against the above-captioned defendant.

Respectfully,

/s/ E. TIMOTHY McCULLOUGH
E. TIMOTHY McCULLOUGH,
Pa. I.D. #36238
7463 CONROY WINDERMERE RD.
STE. A
ORLANDO, FL 32835
(407)601-6941

SHERIFF RETURN

Case No : GD-11-002280
Case Description : Bradley etal vs Advest Inc. etal
Defendant : Robert L. Feldman
Service Address : 600 Grant Street Pittsburgh, PA 15219 Allegheny/2
Writ Description : REISSUED WRIT OF SUMMONS
Issue Date : 3/28/2011

Service Status : Served - Adult Agent or person in charge of
Defendant(s) office or usual place of business
Served Upon : KEVIN ADAMS /ADMIN ASSIST
Served By : Al Conte
Served on : Thursday, April 7, 2011 at 10:10
Service Method : Person In Charge

All Plaintiffs
Holly A McCullough
Richard H McCullough
Gary Folino
Maria Slater
Frank Folino
Thomas M. Bradley
Michelle V. Arena
Anthony Folino

vs

Advest Inc.
Merrill Lynch
Bank of America
Robert L. Feldman

SHERIFF RETURN

Case No : GD-11-002280
Case Description : Bradley etal vs Advest Inc. etal
Defendant : Merrill Lynch
Service Address : 600 Grant Street Pittsburgh, PA 15219 Allegheny/2
Writ Description : REISSUED WRIT OF SUMMONS
Issue Date : 3/28/2011

Service Status : Served - Adult Agent or person in charge of
Defendant(s) office or usual place of business
Served Upon : KEVIN ADAMS /ADMIN ASSIST
Served By : Al Conte
Served on : Thursday, April 7, 2011 at 10:10
Service Method : Person In Charge

All Plaintiffs
Holly A McCullough
Richard H McCullough
Gary Folino
Maria Slater
Frank Folino
Thomas M. Bradley
Michelle V. Arena
Anthony Folino

vs

Advest Inc.
Merrill Lynch
Bank of America
Robert L. Feldman

SHERIFF RETURN

Case No : GD-11-002280
Case Description : Bradley etal vs Advest Inc. etal
Defendant : Bank of America
Service Address : 600 Grant Street Pittsburgh, PA 15219 Allegheny/2
Writ Description : REISSUED WRIT OF SUMMONS
Issue Date : 3/28/2011

Service Status : Served - Adult Agent or person in charge of
Defendant(s) office or usual place of business
Served Upon : KEVIN ADAMS /ADMIN ASSISTS
Served By : Al Conte
Served on : Thursday, April 7, 2011 at 10:10
Service Method : Person In Charge

All Plaintiffs
Holly A McCullough
Richard H McCullough
Gary Folino
Maria Slater
Frank Folino
Thomas M. Bradley
Michelle V. Arena
Anthony Folino

vs

Advest Inc.
Merrill Lynch
Bank of America
Robert L. Feldman

SHERIFF RETURN

Case No : GD-11-002280
Case Description : Bradley etal vs Advest Inc. etal
Defendant : Advest Inc.
Service Address : 600 Grant Street Pittsburgh, PA 15219 Allegheny/2
Writ Description : REISSUED WRIT OF SUMMONS
Issue Date : 3/28/2011

Service Status : Served - Adult Agent or person in charge of
Defendant(s) office or usual place of business
Served Upon : KEVIN ADAMS /ADMIN ASSIST
Served By : Al Conte
Served on : Thursday, April 7, 2011 at 10:10
Service Method : Person In Charge

All Plaintiffs
Holly A McCullough
Richard H McCullough
Gary Folino
Maria Slater
Frank Folino
Thomas M. Bradley
Michelle V. Arena
Anthony Folino

vs

Advest Inc.
Merrill Lynch
Bank of America
Robert L. Feldman

GD-11-002280

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA,
CIVIL DIVISION

Case No.: GD-11-002280

THOMAS M. BRADLEY,
MICHELLE V. ARENA,
MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH
AND HOLLY A. MCCULLOUGH,

Plaintiff,

vs.

ADVEST, INC., MERRILL LYNCH,
BANK OF AMERICA, ROBERT FELDMAN

Defendants.

**NOTICE OF SERVICE OF REQUEST FOR
PRODUCTION OF DOCUMENTS**

I HEREBY CERTIFY that Requests For Production have been served by U.S. mail to the persons/entities listed below on the 27th day of April, 2011.

ADVEST, INC.
600 GRANT STREET
SUITE 4900
PITTSBURGH, PA 15219

MERRILL LYNCH
600 GRANT STREET
SUITE 4900
PITTSBURGH, PA 15219

BANK OF AMERICA
600 GRANT STREET
SUITE 4900
PITTSBURGH, PA 15219

ROBERT FELDMAN
600 GRANT STREET
SUITE 4900
PITTSBURGH, PA 15219

/s/ E. TIMOTHY McCULLOUGH
E. TIMOTHY McCULLOUGH,
Pa. I.D. #36238
7463 CONROY WINDERMERE RD.
STE. A
ORLANDO, FL 32835
(407)601-6941

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA, CIVIL DIVISION

Case No.: GD-11-002280

THOMAS M. BRADLEY,
MICHELLE V. ARENA,
MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH
AND HOLLY A. MCCULLOUGH, JOHN
KEEFE, KILEY KEEFE, Nanci KEEFE,
ROCK MANAGEMENT SERVICES,
WILLIAM KEEFE AND MARTHA KEEFE,
DANIEL MURRY, MASSARO CORPORATION,
JOSEPH MASSARO II AND CAROLYN
MASSARO, STEVEN MASSARO, AND JOSEPH
A . MASSARO III

Claimants,

vs.

ADVEST, INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH INCORPORATED, BANK
OF AMERICA, N.A. (as successor in interest to
Merill Lynch, Pierce, Fenner & Smith Incorporated
and Advest Incorporated), ROBERT FELDMAN

Respondents

DEPT OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

2011 DEC 23 AM 8:53

MOTION FOR EXTENSION OF TIME TO REPLY TO RESPONDENTS'
MOTION TO SEVER IMPROPERLY JOINED CLAIMS AND FOR
EMERGENCY STAY

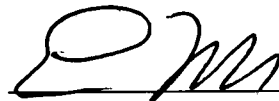
Respondents request an extension of time to reply to "RESPONDENTS' MOTION TO SEVER IMPROPERLY JOINED CLAIMS AND MOTION FOR EMERGENCY STAY BY RESPONDENTS ADVEST INCORPORATED, MERRIL LYNCH, PIERCE, FENNER, & SMITH, INCORPORATED, BANK OF AMERICA, N.A., AND ROBERT FELDMAN", as follows.

SMITH, INCORPORATED, BANK OF AMERICA, N.A., AND ROBERT FELDMAN", as follows.

- 1) Claimants received the subject motion by mail on or about December 5, 2011.
- 2) Arbitration Rules provide for a ten day period within which to file a response.
- 3) Claimants require additional time to properly review and respond to the subject motion, and request to until December 23, 2011 to file a response.
- 4) Claimants intend to oppose the subject motion.
- 5) The requested extension of time will not prejudice any party.

WHEREFORE Claimants request an extension of time to reply to until December 23, 2011.

Respectfully submitted,



E. TIMOTHY McCULLOUGH,
McCullough & Mitchell, P.A.
Florida Bar I.D. #36238
7463 CONROY WINDERMERE RD.
STE. A
ORLANDO, FL 32835
(407)601-6941

CERTIFICATE OF SERVICE

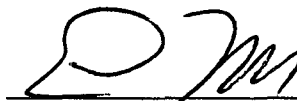
I HEREBY CERTIFY that true and correct copies of the enclosed have been furnished via U.S. Mail and copies were sent to the persons/entities listed below on December 19, 2011.

Copies to:

Alleghany County, Pennsylvania
Dept. of Court Records
436 Grant Street, Room 114
Pittsburgh, PA 15219-2495

FINRA Dispute Resolution
Attn: Alma Toplic, Case Administrator
55 West Monroe St.
Suite 2600
Chicago, IL 60603-5014

Tara A. LaClair, LL.M.
Crowe & Dunlevy
20 N. Broadway, Suite 1800
Oklahoma City, OK 73102



E. TIMOTHY McCULLOUGH,
McCullough & Mitchell, P.A.
Florida Bar I.D. #36238
7463 CONROY WINDERMERE RD.
STE. A
ORLANDO, FL 32835
(407)601-6941

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.
ARENA, MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH, JOHN KEEFE,
KILEY KEEFE, Nanci KEEFE, ROCK
MANAGEMENT SERVICES, WILLIAM
KEEFE AND MARTHA KEEFE, DANIEL
MURRY, MASSARO CORPORATION,
JOSEPH MASSARO II AND CAROLYN
MASSARO, STEVEN MASSARO, AND
JOSEPH A. MASSARO III,

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE
FENNER & SMITH INCORPORATED,
BANK OF AMERICA, N.A. (as successor in
interest to Merrill Lynch, Pierce, Fenner &
Smith Incorporated and Advest Incorporated),
ROBERT FELDMAN,

Defendants.

CIVIL DIVISION

NO.: GD-11-002280

TYPE OF PLEADING:

**PRAECIPE FOR ENTRY OF
APPEARANCE**

FILED ON BEHALF OF PLAINTIFFS
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH

COUNSEL OF RECORD FOR THIS
PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.) CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)
ANTHONY FOLINO, FRANK FOLINO,) NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND)
HOLLY A. MCCULLOUGH, JOHN KEEFE,)
KILEY KEEFE, Nanci KEEFE, ROCK)
MANAGEMENT SERVICES, WILLIAM)
KEEFE AND MARTHA KEEFE, DANIEL)
MURRY, MASSARO CORPORATION,)
JOSEPH MASSARO II AND CAROLYN)
MASSARO, STEVEN MASSARO, AND)
JOSEPH A. MASSARO III,)

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE)
FENNER & SMITH INCORPORATED,)
BANK OF AMERICA, N.A. (as successor in)
interest to Merrill Lynch, Pierce, Fenner &)
Smith Incorporated and Advest Incorporated),)
ROBERT FELDMAN,)

Defendants.

PRAECIPE FOR ENTRY OF APPEARANCE

TO: DEPARTMENT OF COURT RECORDS - CIVIL DIVISION

Please enter my appearance on behalf of Plaintiffs Richard H. McCullough and Holly A. McCullough in the above-captioned matter.

RESPECTFULLY SUBMITTED:

DATE: 10-2-15

By:

PATBERG, CARMODY & GING

Rolf Louis Patberg, Esquire
PA I.D. No.: 65185

Attorney for Plaintiffs Richard H.
McCullough and Holly A. McCullough.

CERTIFICATE OF SERVICE

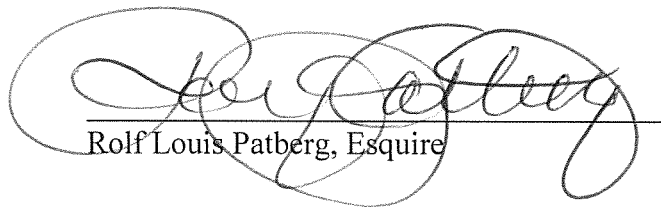
I, Rolf Louis Patberg, Esquire, hereby certify that a true and correct copy of the foregoing Praeipe for Entry of Appearance was forwarded this 2 day of October, 2015 via postage prepaid United States Mail to the following counsel of record:

Advest, Inc.
One Oxford Centre
Pittsburgh, PA 15219

Bank of America
301 Grant Street
Pittsburgh, PA 15219

Robert L. Feldman
600 Grant Street
Pittsburgh, PA 15219

Merrill Lynch
1001 Liberty Avenue
14th Floor
Pittsburgh, PA 15222



Rolf Louis Patberg, Esquire

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.
ARENA, MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH, JOHN KEEFE,
KILEY KEEFE, NANCI KEEFE, ROCK
MANAGEMENT SERVICES, WILLIAM
KEEFE AND MARTHA KEEFE, DANIEL
MURRY, MASSARO CORPORATION,
JOSEPH MASSARO II AND CAROLYN
MASSARO, STEVEN MASSARO, AND
JOSEPH A. MASSARO III,

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE
FENNER & SMITH INCORPORATED,
BANK OF AMERICA, N.A. (as successor in
interest to Merrill Lynch, Pierce, Fenner &
Smith Incorporated and Advest Incorporated),
ROBERT FELDMAN,

Defendants.

CIVIL DIVISION

NO.: GD-11-002280

TYPE OF PLEADING:

**PRAECIPE TO DISCONTINUE
CLAIMS OF THOMAS M. BRADLEY**

FILED ON BEHALF OF PLAINTIFFS
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH

COUNSEL OF RECORD FOR THIS
PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUTSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.) CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)
ANTHONY FOLINO, FRANK FOLINO,) NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND)
HOLLY A. MCCULLOUGH, JOHN KEEFE,)
KILEY KEEFE, Nanci KEEFE, ROCK)
MANAGEMENT SERVICES, WILLIAM)
KEEFE AND MARTHA KEEFE, DANIEL)
MURRY, MASSARO CORPORATION,)
JOSEPH MASSARO II AND CAROLYN)
MASSARO, STEVEN MASSARO, AND)
JOSEPH A. MASSARO III,)

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE)
FENNER & SMITH INCORPORATED,)
BANK OF AMERICA, N.A. (as successor in)
interest to Merrill Lynch, Pierce, Fenner &)
Smith Incorporated and Advest Incorporated),)
ROBERT FELDMAN,)

Defendants.

PRAECIPE TO DISCONTINUE CLAIMS OF THOMAS M. BRADLEY

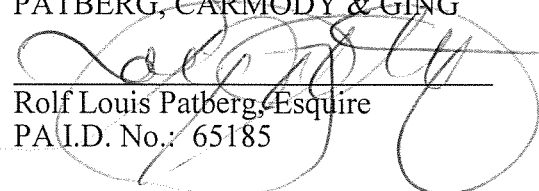
AND NOW, comes Plaintiff Thomas M. Bradley and files the herein Praecipec to Settle
and Discontinue all claims in accordance with the attached authorization.

DATE: 10-21-15

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

By:


Rolf Louis Patberg, Esquire
PA.I.D. No.: 65185

Attorney for Plaintiffs Richard H.
McCullough and Holly A. McCullough.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.) CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)
ANTHONY FOLINO, FRANK FOLINO,) NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND)
HOLLY A. MCCULLOUGH, JOHN KEEFE,)
KILEY KEEFE, Nanci KEEFE, ROCK)
MANAGEMENT SERVICES, WILLIAM)
KEEFE AND MARTHA KEEFE, DANIEL)
MURRY, MASSARO CORPORATION,)
JOSEPH MASSARO II AND CAROLYN)
MASSARO, STEVEN MASSARO, AND)
JOSEPH A. MASSARO III,)

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE
FENNER & SMITH INCORPORATED,)
BANK OF AMERICA, N.A. (as successor in)
interest to Merrill Lynch, Pierce, Fenner &)
Smith Incorporated and Advest Incorporated),)
ROBERT FELDMAN,)

Defendants.

AUTHORIZATION

I, Thomas M. Bradley, hereby instruct and authorize the law firm of Patberg, Carmody & Ging and/or Timothy McCullough to discontinue my claim at GD-11-002280 filed in the Court of Common Pleas of Allegheny County, Pennsylvania against Advest, Inc., Merrill Lynch, Pierce Fenner & Smith Incorporated, Bank Of America, N.A. (as successor in interest to Merrill Lynch, Pierce, Fenner & Smith Incorporated and Advest Incorporated), and Robert Feldman. I understand that by discontinuing the claim, that I may be forever barred from pursuing it any further. I also understand that Timothy McCullough filed the Writ on my behalf and with my authorization for the purposes of preserving the statute of limitations. Any questions that I had have been answered to my satisfaction and I hereby instruct Patberg, Carmody & Ging and/or Timothy McCullough to discontinue the claims at GD-11-002280 reflected in the above caption.

Date:

10/7/15

Thomas M. Bradley
Thomas M. Bradley

CERTIFICATE OF SERVICE

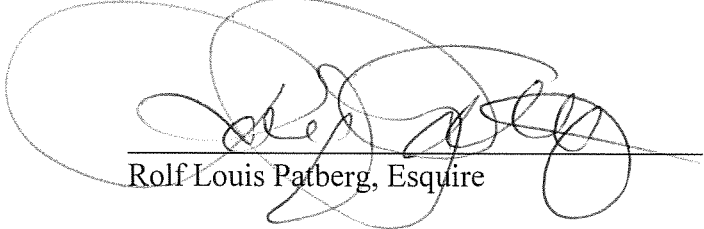
I, Rolf Louis Patberg, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe to Discontinue Claims of Thomas M. Bradley was forwarded this 21 day of October, 2015 via postage prepaid United States Mail to the following counsel of record:

Advest, Inc.
One Oxford Centre
301 Grant Street, Suite 3400
Pittsburgh, PA 15219

Robert L. Feldman
600 Grant Street
41st Floor
Pittsburgh, PA 15219

Bank of America
Piatt Place
301 Fifth Avenue
Pittsburgh, PA 15222

Merrill Lynch
600 Grant Street
41st Floor
Pittsburgh, PA 15219



Rolf Louis Patberg, Esquire

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.
ARENA, MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH, JOHN KEEFE,
KILEY KEEFE, Nanci KEEFE, ROCK
MANAGEMENT SERVICES, WILLIAM
KEEFE AND MARTHA KEEFE, DANIEL
MURRY, MASSARO CORPORATION,
JOSEPH MASSARO II AND CAROLYN
MASSARO, STEVEN MASSARO, AND
JOSEPH A. MASSARO III,

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE
FENNER & SMITH INCORPORATED,
BANK OF AMERICA, N.A. (as successor in
interest to Merrill Lynch, Pierce, Fenner &
Smith Incorporated and Advest Incorporated),
ROBERT FELDMAN,

Defendants.

CIVIL DIVISION

NO.: GD-11-002280

TYPE OF PLEADING:

**PRAECIPE TO DISCONTINUE
CLAIMS OF MICHELLE V. ARENA**

FILED ON BEHALF OF PLAINTIFFS
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH

COUNSEL OF RECORD FOR THIS
PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.) CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)
ANTHONY FOLINO, FRANK FOLINO,) NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND)
HOLLY A. MCCULLOUGH, JOHN KEEFE,)
KILEY KEEFE, Nanci KEEFE, ROCK)
MANAGEMENT SERVICES, WILLIAM)
KEEFE AND MARTHA KEEFE, DANIEL)
MURRY, MASSARO CORPORATION,)
JOSEPH MASSARO II AND CAROLYN)
MASSARO, STEVEN MASSARO, AND)
JOSEPH A. MASSARO III,)

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE)
FENNER & SMITH INCORPORATED,)
BANK OF AMERICA, N.A. (as successor in)
interest to Merrill Lynch, Pierce, Fenner &)
Smith Incorporated and Advest Incorporated),)
ROBERT FELDMAN,)

Defendants.

PRAECIPE TO DISCONTINUE CLAIMS OF MICHELLE V. ARENA

AND NOW, comes Plaintiff Michelle V. Arena and files the herein Praecipe to Settle and
Discontinue all claims in accordance with the attached authorization.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 12-21-15

By: 

Rolf Louis Patberg, Esquire
PA I.D. No.: 65185

Attorney for Plaintiffs Richard H.
McCullough and Holly A. McCullough.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.) CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)
ANTHONY FOLINO, FRANK FOLINO,) NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND)
HOLLY A. MCCULLOUGH, JOHN KEEFE,)
KILEY KEEFE, Nanci KEEFE, ROCK)
MANAGEMENT SERVICES, WILLIAM)
KEEFE AND MARTHA KEEFE, DANIEL)
MURRY, MASSARO CORPORATION,)
JOSEPH MASSARO II AND CAROLYN)
MASSARO, STEVEN MASSARO, AND)
JOSEPH A. MASSARO III,)

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE
FENNER & SMITH INCORPORATED,
BANK OF AMERICA, N.A. (as successor in
interest to Merrill Lynch, Pierce, Fenner &
Smith Incorporated and Advest Incorporated),
ROBERT FELDMAN,

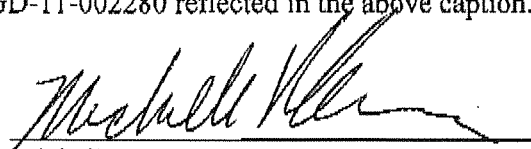
Defendants.

AUTHORIZATION

I, Michelle V. Arena, hereby instruct and authorize the law firm of Patberg, Carmody & Ging and/or Timothy McCullough to discontinue my claim at GD-11-002280 filed in the Court of Common Pleas of Allegheny County, Pennsylvania against Advest, Inc., Merrill Lynch, Pierce Fenner & Smith Incorporated, Bank Of America, N.A. (as successor in interest to Merrill Lynch, Pierce, Fenner & Smith Incorporated and Advest Incorporated), and Robert Feldman. I understand that by discontinuing the claim, that I may be forever barred from pursuing it any further. I also understand that Timothy McCullough filed the Writ on my behalf and with my authorization for the purposes of preserving the statute of limitations. Any questions that I had have been answered to my satisfaction and I hereby instruct Patberg, Carmody & Ging and/or Timothy McCullough to discontinue the claims at GD-11-002280 reflected in the above caption.

Date:

12/11/15


Michelle V. Arena

CERTIFICATE OF SERVICE

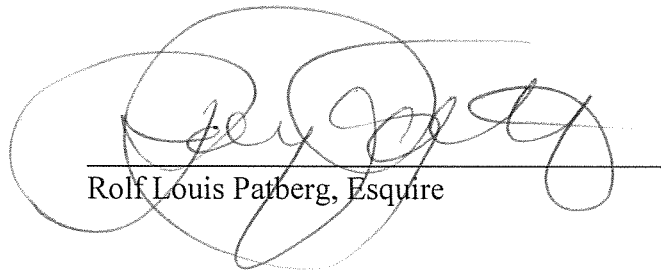
I, Rolf Louis Patberg, Esquire, hereby certify that a true and correct copy of the foregoing Praecept to Discontinue Claims of Michelle V. Arena was forwarded this 21 day of December, 2015 via postage prepaid United States Mail to the following counsel of record:

Advest, Inc.
One Oxford Centre
301 Grant Street, Suite 3400
Pittsburgh, PA 15219

Robert L. Feldman
600 Grant Street
41st Floor
Pittsburgh, PA 15219

Bank of America
Piatt Place
301 Fifth Avenue
Pittsburgh, PA 15222

Merrill Lynch
600 Grant Street
41st Floor
Pittsburgh, PA 15219



Rolf Louis Patberg, Esquire

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.
ARENA, MARIA SLATER, GARY FOLINO,
ANTHONY FOLINO, FRANK FOLINO,
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH, JOHN KEEFE,
KILEY KEEFE, Nanci KEEFE, ROCK
MANAGEMENT SERVICES, WILLIAM
KEEFE AND MARTHA KEEFE, DANIEL
MURRY, MASSARO CORPORATION,
JOSEPH MASSARO II AND CAROLYN
MASSARO, STEVEN MASSARO, AND
JOSEPH A. MASSARO III,

Plaintiffs,

v.

ADVEST, INC., MERRILL LYNCH, PIERCE
FENNER & SMITH INCORPORATED,
BANK OF AMERICA, N.A. (as successor in
interest to Merrill Lynch, Pierce, Fenner &
Smith Incorporated and Advest Incorporated),
ROBERT FELDMAN,

Defendants.

CIVIL DIVISION

NO.: GD-11-002280

TYPE OF PLEADING:

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF PLAINTIFFS
RICHARD H. MCCULLOUGH AND
HOLLY A. MCCULLOUGH

COUNSEL OF RECORD FOR THIS
PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.)	CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)	
ANTHONY FOLINO, FRANK FOLINO,)	NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND HOLLY A.)	
MCCULLOUGH, JOHN KEEFE, KILEY KEEFE,)	
NANCI KEEFE, ROCK MANAGEMENT)	
SERVICES, WILLIAM KEEFE AND MARTHA)	
KEEFE, DANIEL MURRY, MASSARO)	
CORPORATION, JOSEPH MASSARO II AND)	
CAROLYN MASSARO, STEVEN MASSARO,)	
AND JOSEPH A. MASSARO III,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ADVEST, INC., ET AL.,)	
)	
Defendants.)	
)	

NOTICE TO PLEAD

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. Lawyer Referral Service, Allegheny County Bar Association, Koppers Building, Suite 400, Pittsburgh, PA 15219, (412) 261-0518.

"AVISO" "Le han demandado en corte. Si usted desea defender contra las demandas dispuestas en las páginas siguientes, usted debe tomar la acción en el plazo de veinte (20) días después de esta queja y se sirve el aviso, incorporando un aspecto escrito personalmente o y archivando en escribir con la corte sus defensas u objeciones a las demandas dispuestas contra usted el abogado le advierte que que si usted no puede hacer así que el caso puedo proceder sin usted y un juicio se puede incorporar contra usted compra la corte sin aviso adicional para cualquier dinero demandado en la queja o para cualquier otra demanda o relevación pedida por el demandante. Usted puede perder el dinero o la característica de otra endereza importante a usted. USTED DEBE LLEV AR ESTE PAPEL SU ABOGADO INMEDIATAMENTE. SI USTED NO HACE QUE UN ABOGADO VAYA A O LLAME POR TELÉFONO La OFICINA DISPUESTA ABAJO. ESTA OFICINA PUEDE PROVEER DE USTED LA INFORMACIÓN SOBRE EMPLEAR A UN ABOGADO, SI USTED NO PUEDE PERMITIRSE AL HIRE A UN ABOGADO, ESTA OFICINA PUEDE PODER PROVEER DE USTED LA INFORMACIÓN SOBRE LAS AGENCIAS QUE LOS SERVICIOS JURÍDICOS DE LA OFERTA DE MAYO A LAS PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO O NINGÚN HONORARIO SERVICIO DE REFERENCIA Allegheny County Bar Association, Koppers Building, Suite 400, Pittsburgh, PA 15219, Teléfono (412) 261-0518.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THOMAS M. BRADLEY, MICHELLE V.)	CIVIL DIVISION
ARENA, MARIA SLATER, GARY FOLINO,)	
ANTHONY FOLINO, FRANK FOLINO,)	NO.: GD-11-002280
RICHARD H. MCCULLOUGH AND)	
HOLLY A. MCCULLOUGH, JOHN KEEFE,)	
KILEY KEEFE, Nanci KEEFE, ROCK)	
MANAGEMENT SERVICES, WILLIAM)	
KEEFE AND MARTHA KEEFE, DANIEL)	
MURRY, MASSARO CORPORATION,)	
JOSEPH MASSARO II AND CAROLYN)	
MASSARO, STEVEN MASSARO, AND)	
JOSEPH A. MASSARO III,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ADVEST, INC., MERRILL LYNCH, PIERCE)	
FENNER & SMITH INCORPORATED,)	
BANK OF AMERICA, N.A. (as successor in)	
interest to Merrill Lynch, Pierce, Fenner &)	
Smith Incorporated and Advest Incorporated),)	
ROBERT FELDMAN,)	
)	
Defendants.)	

COMPLAINT IN CIVIL ACTION

AND NOW, come the Plaintiffs, Richard and Holly McCullough, by and through their counsel, Patberg, Carmody & Ging and Rolf Louis Patberg, Esquire, and file the foregoing Complaint in Civil Action and, in support thereof, aver as follows:

1. Plaintiffs Richard McCullough and Holly McCullough and adult individuals currently residing at 100 Camberly Drive, Monroeville, Allegheny County, Pennsylvania 15146.
2. Defendant Advest, Inc., is a Pennsylvania corporation, trading and doing business at One Oxford Centre, Pittsburgh, Allegheny County, PA 15219.

3. Defendant Bank of America is a Pennsylvania corporation, trading and doing business at 301 Grant Street, Pittsburgh, Allegheny County, PA 15219,

4. Defendant Robert L. Feldman is an adult individual trading and doing business at 600 Grant Street, Pittsburgh, Allegheny County, PA 15219.

5. Defendant Merrill Lynch is a Pennsylvania corporation, trading and doing business at 1001 Liberty Avenue, 14th Floor, Pittsburgh, Allegheny County, PA 15222.

6. Defendant Feldman used the false representations and non-disclosures described in this Complaint to acquire the investment business of the Plaintiffs or to interest them in doing business with him and, as a consequence of his false and deceptive practices, Plaintiff made investments in two penny stocks described herein.

7. Plaintiff Richard McCullough, before meeting with Defendant Feldman, primarily invested in products that were low risk.

8. Plaintiffs' goals were capital preservation and liquidity.

9. Defendant Feldman, while employed by the corporate Defendants, engaged in numerous discussions with Plaintiff about the securities which are the subject matter of this case.

10. These discussions primarily involved two penny stocks, Telkonet, Inc. ("TKOI") and Geo Global Resources, Inc. ("GGR").

11. TKOI is a small start-up company with little capital or business which is involved in the development of products designed to monitor or enhance energy efficiency.

12. GGR is a small start-up company with little capital or business, which, by self description, is involved in the exploration for oil and gas.

13. During 2002 to 2010, to induce Plaintiffs to buy shares of stock in TKOI and GGR, Feldman made the following knowing and deliberate material misrepresentations of fact and of opinion:

- a. That from 2004 to 2011, Feldman represented: TKOI would go to \$14, then \$40, then \$70 and then \$100 per share, depending on the need to induce a purchase or to allay fear and prevent liquidation of the position;
- b. That Feldman had a business relationship with TKOI CEO or Board of Trustees and had frequent meetings and communications with inside sources, often in Baltimore, who told him TKOI obtained enormous government contracts which would be announced soon or that the contracts could not be announced;
- c. That TKOI entered into a contract with GE to remotely monitor all GE sub power stations, which contract was going to be announced on a particular date, always delayed;
- d. That the Department of Homeland Security was going to use TKOI technology at all major airports in the U.S.;
- e. That TKOI could keep up with orders and had a huge backlog of work;
- f. That Feldman owned a million shares of the stock, and, if the Plaintiff threatened to sell, that Feldman just purchased more; often for family and friends, and that he could use the money he had made on the tremendous rise in the value to help cure a disease which afflicted his sick son;
- g. That his stock would become worth 60-80 Million, that Feldman and his clients "controlled the float" and that once the shorts were cleared out they would dramatically increase the value of the stock;
- h. That he had a close friend in the GGR office of the CEO, Jon Paul, that the company had the largest discovery of oil and natural gas ever in the Indian Ocean; and
- i. That the company had enormous contracts with the Indian Government that would be announced, sometimes on particular dates, or that must be kept confidential if the dates passed.

14. Defendant Feldman kept Plaintiffs in these stocks by persistently repeating these false representations and expanding on them with additional false representations and opinions,

and by failing to disclose the significant risks and adverse and deteriorating business situation of these companies, which were not covered by the research departments of Advest, ML or BOA, in which manner he was able to maintain a large book of business from investors in the stocks, increasing his compensation when he sold his book of business or when ML acquired Advest and BOA acquired ML.

15. Feldman apparently made so many questionable trades for clients in stocks that Advest, ML and BOA did not cover with research that he was forbidden from engaging in penny stock sales by his employer.

16. Feldman never disclosed the commissions paid to Advest, Merrill Lynch or BOA or himself for these transactions and used the investors' purchases of these stocks to dramatically increase the value of his book of business and, consequently, the bonus paid to him when Merrill Lynch acquired Advest.

17. Feldman's additional purpose in inducing Plaintiffs to purchase the stocks was to lure Plaintiffs to transfer their investment accounts to Defendant Feldman, therefore, further increasing the value of his book of business and bonuses paid to him.

18. In reliance on Feldman's previously described false representations, the Plaintiffs and multiple other investors purchased shares of TKOI and GGR and suffered losses on these purchases as indicated on Exhibit 1, which is attached hereto and incorporated herein by reference.

19. Feldman barely knew Plaintiffs, meeting them only to falsely market certain speculative stocks.

20. Feldman falsely represented that the stocks purchased would be secure investments.

21. Feldman knew or should have known that the TKOI and GGR were a high risk investment and not appropriate for the Plaintiffs.

22. Feldman received significant financial advantage in the form of commissions and increased book value for encouraging investors to buy these securities; undoubtedly, many other investors were induced to purchase these risky investments under the same or similar circumstances.

COUNT I

Violation of Securities and Exchange Act of 1934 - §10(b)

Plaintiffs v. All Defendants

23. Plaintiffs incorporate paragraphs 1 through 22 of the within Complaint as though set forth at length.

24. At all times relevant, Defendant Feldman acted during the course and scope of his employment with each of the co-Defendants.

25. Defendant Feldman engaged in material misrepresentations and omissions of information regarding aforementioned investments in TKOI and GGR and the financial stability of each company and misrepresentations of expected growth as more fully set forth herein at paragraphs 13 through 20 of the within Complaint which are incorporated by reference. Defendant Feldman further never disclosed that he was forbidden by his employers from engaging in any penny stock sales.

26. Defendant Feldman's aforementioned misrepresentations, as enumerated at paragraphs 13 through 20 of the within Complaint were made and motivated by Defendant Feldman's wrongful and conscious misbehavior and intent to commit fraud for the purpose of inducing Plaintiffs to purchase shares of TKOI and GGR so as to maintain and increase the value

of the stock for his own benefit and for the purpose of gaining Plaintiffs' business and inducing Plaintiff to transfer his brokerage account to Defendant, consequently increasing his book of business and compensation.

27. Defendants' aforementioned material misrepresentations and omissions were justifiably relied upon by Plaintiffs in connection with the Plaintiffs' purchase of the shares of TKOI and GGR stocks to Plaintiffs' detriment.

28. Plaintiffs' financial losses as a direct and proximate result of Defendants' breach of fiduciary duty to Plaintiffs are in excess of \$855,000.00, as more fully set forth at Exhibit 1, attached hereto, plus the lost increase in value of the initial investment had it remained in Plaintiffs' mutual funds which Plaintiffs margined in order to fund the subject penny stock investments.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in excess of \$35,000.00 plus punitive damages, with costs and attorneys' fees assessed.

COUNT II

Violation of the Pennsylvania Securities Act, 70 Pa. C.A. §§1-401, 1-403, 501(a)(ii)

Plaintiffs v. All Defendants

29. Plaintiffs incorporate paragraphs 1 through 28 of the within Complaint as though set forth at length.

30. At all times relevant, Defendant Feldman acted during the course and scope of his employment with each of the co-Defendants.

31. Defendant Feldman engaged in material misrepresentations and omissions of information regarding aforementioned investments in TKOI and GGR and the financial stability of each company and misrepresentations of expected growth as more fully set forth herein at

paragraphs 13 through 20 of the within Complaint which are incorporated by reference. Defendant Feldman further never disclosed that he was forbidden by his employers from engaging in any penny stock sales.

32. The misinformation and misrepresentations were material, as there was a substantial likelihood that the disclosure of omitted facts would have been viewed by the reasonable investor as having significantly altered the total mix of information made available.

33. Defendant Feldman's aforementioned misrepresentations, as enumerated at paragraphs 13 through 20 of the within Complaint were made and motivated by Defendant Feldman's wrongful and conscious misbehavior and intent to commit fraud for the purpose of inducing Plaintiffs to purchase shares of TKOI and GGR so as to maintain and increase the value of the stock for his own benefit and for the purpose of gaining Plaintiffs' business and inducing Plaintiff to transfer his brokerage account to Defendant, consequently increasing his book of business and compensation.

34. Defendants' aforementioned material misrepresentations and omissions were justifiably relied upon by Plaintiffs in connection with the Plaintiffs' purchase of the shares of TKOI and GGR stocks to Plaintiffs' detriment.

35. Defendant Feldman was substantially involved in the sale of the TKOI and GGR stocks to Plaintiffs and thus was a seller.

36. A relationship of trust, confidence and dependence existed between Plaintiffs and Defendant Feldman.

37. Defendant Feldman induced Plaintiffs to purchase the subject stock by means of manipulating, deceiving, defrauding, contriving and representing fictitious valuation of the TKOI and GGR stocks as set forth at paragraphs 13 through 20 of the within Complaint.

38. Plaintiffs' financial losses as a direct and proximate result of Defendants' breach of fiduciary duty to Plaintiffs are in excess of \$855,000.00, as more fully set forth at Exhibit 1, attached hereto, plus the lost increase in value of the initial investment had it remained in Plaintiffs' mutual funds which Plaintiffs margined in order to fund the subject penny stock investments.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in excess of \$35,000.00 plus punitive damages, with costs and attorneys' fees assessed.

COUNT III

Negligent Misrepresentation

Plaintiffs v. All Defendants

39. Plaintiffs incorporate by reference paragraphs 1 through 38 as though the same were set forth at length.

40. At all times relevant, Defendant Feldman acted during the course and scope of his employment with each of the co-Defendants.

41. At all times relevant, Defendant Feldman owed Plaintiffs a duty of reasonable care and competence in providing information regarding the financial stability and expected growth of TKOI and GGR, including accurate information regarding the investment risk and suitability of the investment in the two companies.

42. Defendant Feldman supplied false information and misstatements as described at paragraphs 13 through 20 of the within Complaint to Plaintiffs and others regarding TKOI and GGR for the purpose of inducing Plaintiffs and others to purchase the stock of these companies.

43. Defendant Feldman had a pecuniary interest in Plaintiffs' stock purchase, as he stood to benefit from the increase in stock value, commissions and increased book value in

inducing investors including Plaintiffs to purchase the stock and transfer their brokerage account to Defendant Feldman.

44. Plaintiffs justifiably relied upon the false information provided by Defendant Feldman in purchasing the stock, as Defendant Feldman had specialized knowledge in investments and Plaintiffs, as unsophisticated investors, did not, typically investing in low risk stocks.

45. Defendant Feldman intended that the information he supplied regarding TKOI and GGR would influence the Plaintiffs' decision to purchase the investments.

46. Defendant Feldman provided the false information for the benefit and guidance of Plaintiffs, who were part of a limited group of investors.

47. Plaintiffs' financial losses as a direct and proximate result of Defendants' breach of fiduciary duty to Plaintiffs are in excess of \$855,000.00, as more fully set forth at Exhibit 1, attached hereto, plus the lost increase in value of the initial investment had it remained in Plaintiffs' mutual funds which Plaintiffs margined in order to fund the subject penny stock investments.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in excess of \$35,000.00, with costs and fees assessed.

COUNT IV

Fraudulent Misrepresentation

Plaintiffs v. All Defendants

48. Plaintiffs incorporate by reference paragraphs 1 through 47 of the within Complaint as though set forth at length.

49. At all times relevant, Defendant Feldman acted during the course and scope of his employment with each of the co-Defendants.

50. Defendant Feldman engaged in material misrepresentations and omissions of information regarding aforementioned investments in TKOI and GGR and the financial stability of each company and misrepresentations of expected growth as more fully set forth herein at paragraphs 13 through 20 of the within Complaint, which are incorporated by reference. Defendant Feldman further never disclosed that he was forbidden by his employers from engaging in any penny stock sales.

51. Defendant Feldman's aforementioned misrepresentations, as enumerated at paragraphs 13 through 20 of the within Complaint were made and motivated by Defendant Feldman's wrongful and conscious misbehavior and intent to commit fraud for the purpose of inducing Plaintiffs to purchase shares of TKOI and GGR so as to maintain and increase the value of the stock for his own benefit and for the purpose of gaining Plaintiffs' business and inducing Plaintiff to transfer his brokerage account to Defendant, consequently increasing his book of business and compensation.

52. Defendants' aforementioned material misrepresentations and omissions were justifiably relied upon by Plaintiffs in connection with the Plaintiffs' purchase of the shares of TKOI and GGR stocks to Plaintiffs' detriment.

53. Plaintiffs' financial losses as a direct and proximate result of Defendants' breach of fiduciary duty to Plaintiffs are in excess of \$855,000.00, as more fully set forth at Exhibit 1, attached hereto, plus the lost increase in value of the initial investment had it remained in Plaintiffs' mutual funds which Plaintiffs margined in order to fund the subject penny stock investments.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in excess of \$30,000.00 plus punitive damages, with costs and attorneys' fees assessed.

COUNT V

Breach of Fiduciary Duty

Plaintiffs v. All Defendants

54. Plaintiffs incorporate by reference paragraphs 1 through 53 of the within Complaint as though fully set forth at length.

55. Plaintiffs and Defendant Feldman entered into a fiduciary relationship involving trust and confidence.

56. Defendant Feldman held himself out to be knowledgeable and have an expertise in investments and securities, knowing that Plaintiffs were unsophisticated and inexperienced investors who typically invested in investments with low risk.

57. Plaintiffs were in a position of weakness, dependence and trust, justifiably reposed whereas Defendant Feldman exercised an overmastering influence over Plaintiffs in inducing them to purchase shares of stock of TKOI and GGR.

58. Defendant Feldman, at all times relevant, was acting during the course and scope of his employment with each of the co-Defendants.

59. Defendant Feldman owed Plaintiffs a fiduciary duty to act with scrupulous fairness and good faith in his dealings with Plaintiffs and to refrain from using his superior position to Plaintiffs' detriment and his own advantage and to act in Plaintiffs' best interest.

60. Defendant Feldman breached his fiduciary duty owed to Plaintiffs by making false representations regarding the financial status, stability and outlook of TKOI and GGR so as to induce Plaintiffs to purchase stock in the companies and to not sell the stock once purchased, for Defendant Feldman's own financial gain, as more fully set forth at paragraphs 13 through 20 of the within Complaint, which are incorporated herein.

61. As the direct and proximate result of Defendant Feldman's breach of his fiduciary duty to Plaintiffs, Plaintiffs sustained financially losses of investment loss related to the shares of GGR and TKOI becoming practically worthless, contrary to the representations made by Defendant Feldman.

62. Plaintiffs' financial losses as a direct and proximate result of Defendants' breach of fiduciary duty to Plaintiffs are in excess of \$855,000.00, as more fully set forth at Exhibit 1, attached hereto, plus the lost increase in value of the initial investment had it remained in Plaintiffs' mutual funds which Plaintiffs margined in order to fund the subject penny stock investments.

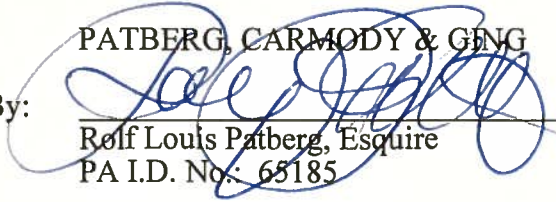
WHEREFORE, Plaintiffs respectfully request judgment in their favor in an amount in excess of \$35,000.00 in excess of the Arbitration limits of Allegheny County, Pennsylvania.

RESPECTFULLY SUBMITTED:

DATE: 2-26-17

By:

PATBERG, CARMODY & GING


Rolf Louis Patberg, Esquire
PA I.D. No.: 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

Attorney for Plaintiffs Richard H.
McCullough and Holly A. McCullough.



Account Number: G41-0100254 (2)

Realized Gain/(Loss) From 01/01/2012 To 12/31/2012
Held At Oppenheimer & Co.
Report printed on 08/28/2014 02:54 PM

FA: O'Donnell/Scott
FA# GSY

RICHARD H MCCULLOUGH &
HOLLY A MCCULLOUGH JTWROS
189 CANTERLY DR
MONROEVILLE PA 15146
IR-412-372-3987

Quantity	Description	Purchase Price	Purchase Date	Purchase Cost	Sale Price	Sale Date	Sale Proceeds	Realized Gain/ (Loss)	Prod Gain/ (Loss)	Term G/L
50,000	AKERS BIOSCIENCES INC	0.8000	03/05/2007	40,306.00	0.0100	01/30/2012	494.99	(39,811.01)	-98.77%	L
50,000	SIS REG S	0.2100	04/27/2007	10,605.00	0.0000	04/12/2012	5.00	(10,601.00)	-99.95%	L
50,000	HYBRID ENERGY HLDGS INC	0.1250	10/19/2009	6,355.00	0.1100	01/26/2012	5,462.09	(892.91)	-14.05%	L
50,000	ICEWEB INC	0.1150	10/21/2009	6,855.00	0.1100	01/26/2012	5,462.09	(1,392.91)	-20.32%	L
35,000	COM NEW	0.3500	04/18/2010	12,330.00	0.1100	01/26/2012	3,823.46	(8,506.54)	-65.99%	L
70,000	ICEWEB INC	0.3389	05/03/2010	23,880.03	0.1100	01/26/2012	7,646.92	(16,233.11)	-67.98%	L
1,200	TELKONET INC	4.3100	03/17/2005	13,861.00	0.1548	01/26/2012	493.65	(13,367.35)	-96.44%	L
6,800	TELKONET INC	4.3403	03/17/2005	29,648.00	0.1548	01/26/2012	1,042.72	(28,605.28)	-96.47%	L
50,000	TELKONET INC	2.9700	04/22/2005	146,697.00	0.1548	01/26/2012	7,703.85	(138,993.15)	-93.25%	L
10,000	TELKONET INC	4.1000	08/11/2005	41,205.00	0.1548	01/26/2012	1,540.77	(39,664.23)	-96.26%	L
10,000	TELKONET INC	3.7800	10/03/2005	38,005.00	0.1548	01/26/2012	1,540.77	(36,464.23)	-95.95%	L
10,000	TELKONET INC	3.2700	06/07/2006	32,905.00	0.1548	01/26/2012	1,540.77	(31,364.23)	-95.32%	L
10,000	TELKONET INC	2.3500	07/14/2006	23,705.00	0.1548	01/26/2012	1,540.77	(22,164.23)	-91.50%	L
10,000	TELKONET INC	2.5000	01/11/2007	28,178.00	0.1548	01/26/2012	1,540.77	(26,637.23)	-94.53%	L
10,000	TELKONET INC	2.6300	04/05/2007	26,456.00	0.1548	01/26/2012	1,540.77	(24,915.23)	-94.18%	L
10,000	TELKONET INC	2.0900	04/10/2007	21,056.00	0.1548	01/26/2012	1,540.77	(19,515.23)	-92.68%	L
10,000	TELKONET INC	2.0700	05/18/2007	20,112.00	0.1548	01/26/2012	1,479.14	(18,632.86)	-92.65%	L
5,600	TELKONET INC	2.0800	07/31/2007	15,754.00	0.1548	01/26/2012	1,540.77	(14,213.23)	-90.22%	L
10,000	TELKONET INC	1.5900	08/01/2007	13,855.27	0.1548	01/26/2012	1,540.77	(12,314.50)	-88.88%	L
20,000	TELKONET INC	1.3900	08/07/2007	27,309.48	0.1548	01/26/2012	3,081.54	(24,227.94)	-88.72%	L
10,000	TELKONET INC	1.1800	11/27/2007	11,906.00	0.1548	01/26/2012	1,540.77	(10,365.23)	-87.06%	L
10,000	TELKONET INC	0.8000	12/31/2007	8,066.00	0.1548	01/26/2012	1,540.77	(6,525.23)	-80.90%	L
2,000	GEGLOBAL RESOURCES INC	10.1400	01/09/2006	20,345.00	0.2415	01/26/2012	472.74	(19,872.26)	-97.65%	L
5,000	GEGLOBAL RESOURCES INC	10.5800	01/11/2006	84,897.00	0.2415	01/26/2012	1,910.96	(82,986.04)	-97.55%	L
8,200	GEGLOBAL RESOURCES INC	7.8800	03/08/2006	64,898.00	0.2415	01/26/2012	1,958.74	(62,939.26)	-96.98%	L
2,000	GEGLOBAL RESOURCES INC	5.9800	01/30/2007	12,076.00	0.2415	01/26/2012	472.74	(11,548.26)	-96.03%	L
400	GEGLOBAL RESOURCES INC	3.9600	09/12/2007	1,598.00	0.2415	01/26/2012	95.55	(1,502.45)	-94.02%	L
4,600	GEGLOBAL RESOURCES INC	4.0100	09/12/2007	18,538.24	0.2415	01/26/2012	1,095.80	(17,442.44)	-94.08%	L
3,200	GEGLOBAL RESOURCES INC	3.8100	10/05/2007	12,260.98	0.2415	01/26/2012	764.38	(11,496.60)	-93.77%	L
6,600	GEGLOBAL RESOURCES INC	3.8000	10/05/2007	25,182.02	0.2415	01/26/2012	1,576.54	(23,605.48)	-93.74%	L
5,000	GEGLOBAL RESOURCES INC	3.1700	11/27/2007	15,956.00	0.2415	01/26/2012	1,194.35	(14,761.65)	-92.51%	L
1,000	ISIS PHARMACEUTICALS INC	22.6000	01/07/2008	22,705.00	8.0505	01/26/2012	7,945.34	(14,760.66)	-65.01%	L

Positions and/or balances marked with an * have been posted to a non-U.S. currency account.
The information and statistical data contained herein have been obtained from sources which we believe to be reliable but are in no way warranted by us as to accuracy or completeness. This report is intended to be an analysis and should not be relied upon for recovery unless it conforms with the official records of the firm. Accordingly, you should rely only on the monthly statement as the official record of your vested Oppenheimer & Co. account.

Account Number: G41-0100254 (2)

Realized Gain/(Loss) from 01/01/2012 To 12/31/2012
Held At Oppenheimer & Co.
Report printed on 08/28/2014 02:54 PM

User Name: O'Donnell/Brent

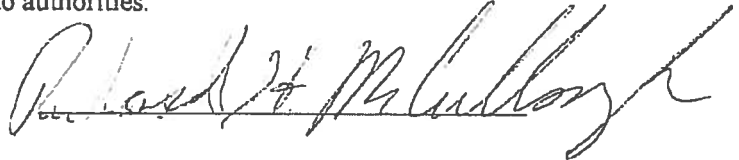
Quantity	Description	Purchase Price	Purchase Date	Purchase Cost	Sale Price	Sale Date	Sale Proceeds	Realized Gain/ (Loss)	Pct Gain/ (Loss)	Term Ctl
1,000	RESEARCH IN MOTION LTD	64.8900	12/16/2009	64,895.00	16.4101	01/06/2012	16,254.78	(48,740.22)	-74.99%	L
			TOTAL	943,320.02			87,464.87			
	TOTAL ST COST		0.00	TOTAL ST PROCEEDS			0.00			
	TOTAL LT COST		943,320.02	TOTAL LT PROCEEDS			87,464.87			
	TOTAL COST		943,320.02	TOTAL PROCEEDS			87,464.87			
	TOTAL SHORT TERM GAIN/(LOSS)					0.00				
	TOTAL LONG TERM GAIN/(LOSS)					-855,855.15				
	TOTAL REALIZED GAIN/(LOSS)					-855,855.15				

Positions and/or balances marked with an * have been posted to a non-U.S. currency account.
The information and statistical data contained herein have been obtained from sources which we believe to be reliable but are in no way warranted by us as to accuracy or completeness. This report is intended to be an analysis and should not be relied upon for accuracy unless it conforms with the official records of this firm. Accordingly, you should rely only on the monthly statement as the official record of your valued Oppenheimer & Co. account.

VERIFICATION AFFIDAVIT

I verify that the statements made herein are true and correct to the best of my knowledge, information, and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S., §4904, relating to unsworn falsifications to authorities.

A handwritten signature in black ink, appearing to read "Richard H. McCullough", is written over a horizontal line.

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, Esquire, hereby certify that a true and correct copy of the foregoing Complaint in Civil Action was forwarded this 24 day of February, 2017 via postage prepaid United States Mail to the following counsel of record:

Advest, Inc.
One Oxford Centre
Pittsburgh, PA 15219

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301 Grant Street
Pittsburgh, PA 15219

Robert L. Feldman
600 Grant Street
Pittsburgh, PA 15219

Daniel Carmeli, Esquire
Morgan, Lewis & Bockius LLP
One Oxford Centre – 32nd Floor
Pittsburgh, PA 15219-6401


Rolf Louis Patberg, Esquire